

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

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MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENTS RELATES TO:

*The City of New York v. Abbott Laboratories,  
Inc., et al.*

S.D.N.Y Case No. 04-CV-06054

*County of Albany v. Abbott Laboratories,  
Inc., et al.*

N.D.N.Y Case No. 05-CV-0425

*County of Alleghany v. Abbott Laboratories,  
Inc., et al.*

W.D.N.Y Case No. 05-CV-0236

*County of Broome v. Abbott Laboratories,  
Inc., et al.*

N.D.N.Y Case No. 05-CV-0145

*County of Cattaraugus v. Abbott  
Laboratories, Inc., et al.*

W.D.N.Y Case No. 05-CV-0256

*County of Cayuga v. Abbott Laboratories,  
Inc., et al.*

N.D.N.Y Case No. 05-CV-0423

*County of Chautauqua v. Abbott  
Laboratories, Inc., et al.*

W.D.N.Y Case No. 05-CV-0214

*County of Chenango v. Abbott Laboratories,  
Inc., et al.*

N.D.N.Y Case No. 05-CV-354

*County of Fulton v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0519

*County of Genesee v. Abbott Laboratories, Inc., et al.*

W.D.N.Y Case No. 05-CV-00267

*County of Greene v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0474

*County of Herkimer v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 04-CV-06054

*County of Jefferson v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0715

*County of Madison v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0714

*County of Monroe v. Abbott Laboratories, Inc., et al.*

W.D.N.Y Case No. 05-CV-1648

*County of Niagara v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-6296

*County of Oneida v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 04-CV-0489

*County of Onondaga v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0088

*County of Putnam v. Abbott Laboratories, Inc., et al.*

S.D.N.Y Case No. 05-CV-4748

*County of Rensselaer v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-04224

*County of Rockland v. Abbott Laboratories, Inc., et al.*

S.D.N.Y Case No. 03-CV-7055

*County of St. Lawrence v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0479

*County of Saratoga v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0478

*County of Steuben v. Abbott Laboratories, Inc., et al.*

W.D.N.Y Case No. 05-CV-6223

*County of Tompkins v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0397

*County of Warren v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0468

*County of Washington v. Abbott Laboratories, Inc., et al.*

N.D.N.Y Case No. 05-CV-0408

*County of Wayne v. Abbott Laboratories, Inc., et al.*

W.D.N.Y Case No. 05-CV-6138

*County of Westchester v. Abbott  
Laboratories, Inc., et al.*  
S.D.N.Y Case No. 03-CV-6178

*County of Yates v. Abbott Laboratories, Inc.,  
et al.*  
W.D.N.Y Case No. 05-CV-06172

**NOTICE OF VOLUNTARY DISMISSAL OF EISAI INC.**

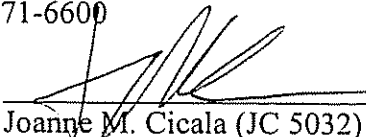
Please take notice that plaintiffs in the above-captioned matters hereby dismiss any and all claims against defendant Eisai Inc., without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1). Eisai Inc. has not served an answer or motion for summary judgment in the above-captioned matters; therefore, plaintiffs' claims will be dismissed without order of this Court, upon filing of this notice of dismissal.

Dated: August 23, 2005

Respectfully submitted,

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By:

  
Joanne M. Cicala (JC 5032)